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Attorneys for Defendants  
 AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

REYNALDO SALINAS, et al.,	)	CASE NO. C 08-01463 MEJ
	)	
Plaintiffs,	)	<b>NOTICE OF NEED FOR ADR</b>
	)	<b>PHONE CONFERENCE</b>
vs.	)	
	)	
AMTECK OF TEXAS, et al.,	)	
	)	
Defendants.	)	

Counsel report that they have met and conferred regarding ADR and that they:

  x   have not yet reached an agreement to an ADR process: Counsel for Defendants Amteck of Kentucky, Inc. and The Haskell Company have attempted to meet and confer with all parties regarding ADR. Attached hereto is defendants' meet-and-confer letter. Defendants the Haskell Company and Amteck of Kentucky, Inc. have informed all parties they are agreeable to private mediation of this matter.

Also attached is a signed stipulation from counsel for defendant US Trades, who are likewise amenable to a private ADR process/ mediation which would occur prior to the presumptive deadline as outlined in the attached stipulation.

Counsel for Amteck and Haskell also conferred with counsel for co-defendant Snorkel, Inc., Susan Foe. Ms. Foe stated that Snorkel Inc. has not yet answered the complaint pursuant to stipulation with plaintiff's counsel, pending the filing of an amended complaint by plaintiff naming a new party.

Counsel for Amteck & Haskell did not receive a reply to their meet-and-confer from plaintiff's counsel.

1 \_\_\_\_\_ request an Early Settlement Conference with a Magistrate Judge

2 Date of Case Management Conference: June 26, 2008

3 The following counsel have agreed to participate in the ADR phone conference:

Name	Party Representing	Phone No.	E-Mail Address
John P. Cotter	Def. Amteck & Haskell	(916) 565-6222	jpc@diepenbrockcotter.com
Ronald D. Digesti	Def. US Trades	(415) 593-5700	ronald_digesti@cmwlaw.net

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12 *Civil Local Rule 16-8 and ADR Local Rule 3-5 require that lead trial counsel participate in a*  
13 *telephone conference with a member of the ADR Legal Staff before the Case Management*  
14 *Conference. The ADR Unit ([adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov)) will notify you of the date and time of your*  
15 *phone conference.*

16 Dated: \_\_\_\_\_

17 \_\_\_\_\_  
18 WESLEY TODD BALL  
19 FARRAR & BALL, LLP  
20 Attorneys for Plaintiffs

21 Dated: June 5, 2008

22 /s/ **John P. Cotter**

23 \_\_\_\_\_  
24 JOHN P. COTTER  
25 ANTHONY R. ROSSMILLER  
26 DIEPENBROCK & COTTER, LLP  
Attorneys for Defendants  
AMTECK OF KENTUCKY and  
THE HASKELL COMPANY

1 Dated: \_\_\_\_\_

2 \_\_\_\_\_  
3 SUSAN FOE  
4 DRYDEN, MARGOLES, SCHIMANECK &  
5 WERTZ  
6 Attorneys for Defendant  
7 SNORKEL, INC.

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The parties agree to hold the ADR session by:


\_\_\_\_\_ the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

other requested deadline \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
WESLEY TODD BALL  
Attorneys for Plaintiffs

Dated: 6/5/08

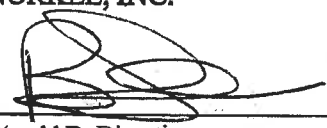
  
\_\_\_\_\_  
ANTHONY R. ROSSMILLER  
Attorneys for Defendants  
AMTECK OF KENTUCKY and  
THE HASKELL COMPANY

JOHN P. COTTER

Dated: \_\_\_\_\_

\_\_\_\_\_  
TONYA BEANE WEBBER  
Attorneys for Defendant  
SNORKEL, INC.

Dated: June 05, 2008

  
\_\_\_\_\_  
Ronald D. Digesti  
CALLAHAN McCUNE & WILLIS  
Attorneys for Defendant  
U.S. TRADES

**DIEPENBROCK & COTTER, LLP**

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June 4, 2008

**VIA FACSIMILE AND U.S. MAIL**

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Corpus Christi, TX 78401  
Fax: 361-880-5844

RE: **Salinas v. Amteck, et al.**

USDC - Northern District of California Case No. C08-01463 MEJ

Dear Counsel:

Please allow this correspondence to serve as a meet-and-confer effort pursuant to the court's March 17, 2008 scheduling order on initial disclosures, ADR process and discovery pursuant to Rule 26(a)(1)(e):

All Counsel  
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**DEFENDANTS AMTECK OF KENTUCKY AND THE HASKELL COMPANY'S  
PROPOSED DISCOVERY PLAN [FRCP RULE 26(a)(1)(e)]**

- (1) Changes that should be made in the timing, form or requirement for disclosures under Rule 26 (a): Defendants do not propose any change in the timing under Rule 26 and suggest that initial disclosures take place pursuant to Rule 26, subject to the following limitations set forth in subsection (2), below:
- (2) Subjects on Which Discovery May be Needed, When Discovery Should be Completed, and Whether Discovery Should be Conducted in Phases or Limited to or Focused Upon Particular Issues: Defendants propose that written discovery needs to be propounded, and depositions need to be taken of plaintiffs.

Depositions will also likely need to be taken of the witnesses to the subject accident. Written discovery and/or depositions will also need to take place with regard to the persons most knowledgeable at US Trades, LLC and. Snorkel, Inc.

Regarding limitations on discovery, defendants do not believe that phased discovery is needed at this time, but will, however, be seeking an order barring plaintiffs from repeating depositions already completed and prior written discovery with regard to defendants Haskell and Amteck as it is defendants' position that plaintiffs' counsel improperly dismissed their prior state action to avoid the imposition of discovery sanctions. Defendants will also seek an order for payment of prior litigation costs and fees as a result of said dismissal under Rule 41(d).

- (3) Issues Related to Disclosure or Discovery of Electronically Stored Information: None anticipated at this time.
- (4) Issues Regarding Claims of Privilege or Protection as Trial Preparation Material: None anticipated at this time.
- (5) Changes to be Made in the Limitations Imposed Upon Discovery Under The Rules of Civil Procedure/ Local Rules: None anticipated at this time save for the subjects outlined in Section (2), *supra*.
- (6) Any Other Orders That Should be Entered by the Court Under Rule 26(c) or Under Rule 16(b) and (c): None anticipated at this time.

All Counsel  
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- (7) ADR Process: Defendants are amenable to private mediation of the matter and will agree to a stipulation and order to mediation per Local Rule ADR 3-5.

I invite you to contact me to discuss any of the aforementioned at your convenience. Per Local Rule ADR 3-5 we must file a joint ADR certification by 6/5 with stipulation to ADR, or a Notice of Need for ADR conference. If anyone is not amenable to mediation, please advise so that a Notice of Need may be timely filed. I am enclosing the various forms mentioned above for your signatures if appropriate.

Thank you for your attention to the aforementioned.

Very truly yours,

DIEPENBROCK & COTTER, LLP

By: 

ANTHONY R. ROSSMILLER